

AMENDED IN ASSEMBLY APRIL 9, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2647**

**Introduced by Assembly Member Kuehl**

February 21, 1996

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An act to amend Section 6380 of the Family Code, to amend Section 273.6 of the Penal Code, to amend Sections 202, 213.5, 245.5, 280, 300, ~~304~~ 302, 304, 332, 361, 362, 362.1, and 362.4 of, and to add Sections 218.5, 16500.3, and 16500.4 to, the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2647, as amended, Kuehl. Domestic violence: custody: protective orders.

(1) Existing law sets forth the purposes and intent of laws relating to dependent children of the juvenile court, including, among other things, the protection and safety of the public and of each minor under the jurisdiction of the juvenile court. Existing law requires that reunification of the minor with his or her family be a primary objective, and states the intent of the Legislature to provide maximum protection for abused children.

This bill would revise the reunification requirement to provide that the emphasis be on reunification of the nonviolent members of the family only. This bill would also state the intent that the protection for abused children shall also include protection of a victim-parent from domestic violence so that victim-parent can safeguard the child.

~~Existing law sets forth descriptions of children who come within the jurisdiction of the juvenile court and who may be adjudged to be a dependent child of the court. These children include, among others, minors who have suffered, or for whom there is a substantial risk of suffering, serious physical harm or illness as a result of the parent or guardian's conduct, as described, and minors who have been left without any provision for support.~~

~~This bill would prohibit the removal of these minor children from a nonviolent parent or guardian on the basis of being left without provision for support, solely because that nonviolent parent or guardian fled from, or was abused by, an abusive household member; or on the basis of a danger to the physical health of the child, solely because the nonviolent parent failed to protect the minor from an abuser when the nonviolent parent was also a victim of the abuser; or on the basis of specified sexual or physical abuse, where the nonviolent parent or guardian has been a victim of abuse from that same household member, if the nonviolent parent or guardian presents a plan to keep the child from future harm.~~

(2) Existing law authorizes the court to issue ex parte orders excluding a parent, guardian, or other member of the minor child's household from the residence or dwelling of the person who has the care, custody, and control of the child upon the same showing as is necessary to remove the minor from the custody and control of his or her parents or guardians, and only when the evidence shows the person seeking the order has a lawful right to possession of the premises.

This bill would delete the requirements that the same showing be made, and that the evidence show the petitioner has a lawful right to the premises, and would instead authorize the issuance of those orders for the period of time and on the conditions the court determines.

(3) Existing law authorizes the juvenile court to issue orders to the parents or guardians of a child as the court deems necessary for the best interests of the minor child, including, among other things, orders concerning the care, supervision, and maintenance of the minor, and orders to appear before a county financial evaluation officer.

This bill would further authorize the court, in certain circumstances, to order a battering parent to ~~participate in~~ *complete* a treatment program established under ~~unspecified~~ *specified* provisions of law.

*(4) Existing law provides that a dependent child may not be taken from the physical custody of the child's parent or guardian with whom the child resides unless the juvenile court makes any of a list of specified findings, including the fact that there is substantial danger to the child's physical health or would be if the child were returned home and there are no reasonable means by which the child can be protected without removal from the parent's or guardian's custody.*

*This bill would require the court to consider, as a reasonable means to protect the child, the removal of the perpetrator of domestic violence from the home or any plan presented in which a parent who is the victim of domestic violence demonstrates that he or she will not be in contact with the perpetrator and will be able to protect the child from future harm. The bill would prohibit the removal of a child from the custody of a parent or guardian solely because the parent or guardian fled from, or was abused by, an abusive household member, if the parent presents a plan for the protection of a child from future harm.*

*(5) Existing law provides that a petition to declare a minor a ward or dependent child of the juvenile court shall contain specified information, including the names and addresses of the parents or guardians of the child. Existing law also provides that, unless parental rights have been terminated, both parents shall be notified of proceedings involving a dependent child under the jurisdiction of the juvenile court.*

*This bill would provide for the confidentiality of the address of a parent who is a victim of domestic violence.*

*(6) Existing law requires any order placing a minor in foster care and ordering reunification services to include certain terms, including visitation between the parent or guardian and the minor, subject to certain limitations.*

*This bill would prohibit any visitation order from jeopardizing the safety of the minor child or either parent, and would require that the court follow certain procedures*

relating to protection of confidential addresses and provision of 3rd-party supervision.

*(7) Existing law provides that when the juvenile court terminates its jurisdiction over a dependent child before the child reaches 18 years of age and specified proceedings are pending or a custody order has been entered regarding that child, the court may issue a protective order and an order determining the custody of, or visitation with, that child.*

*This bill would require that, when the court orders visitation as part of a protective order, the visitation order specify the details of transfer of the child in order to limit the child's exposure to domestic conflict or violence. Further, the bill would require that if a party is staying at a domestic violence shelter or other confidential location, the manner of transferring the child be designed to prevent disclosure of the location of the shelter or other confidential location.*

(8) Existing law requires the probation officer to be present in court to represent the interest of each person who is the subject of a petition to declare that person a ward or dependent child of the court, and to prepare a described social study for every hearing on the disposition of those cases.

This bill would require the State Department of Social Services to develop written procedures for screening each referral relating to the abuse or neglect of a child to assess whether abuse of another family or household member is occurring. This bill would further require that the above-described social study prepared by the probation officer include the assessment relating to whether abuse of other family or household members is also occurring.

This bill would require the State Department of Social Services to develop, no later than July 1, 1997, a 20-hour training program on domestic violence. This bill would require that certain workers who screen referrals for child abuse and all social workers assigned to provide child welfare services to receive this training within certain time periods. This bill would also require all counsel who perform duties relating to dependent children to participate in the training on domestic violence.

(9) Existing law requires each county to develop a procedure, by July 1, 1996, to electronically transmit certain

data relating to domestic violence protective orders to the Department of Justice.

This bill would include the issuance of certain restraining and protective orders relating to prevention of abuse of children under the jurisdiction of the juvenile court within these electronic transmission requirements. By requiring counties to transmit this additional information to the Department of Justice, this bill would impose a state-mandated local program.

(10) Under existing law intentional and knowing violation of certain protective orders is a misdemeanor.

This bill would include violation of restraining and protective orders relating to prevention of abuse of children under the jurisdiction of the juvenile court within the protective orders subject to that misdemeanor, thereby imposing a state-mandated local program by changing the definition of a crime.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, for certain costs, no reimbursement is required by this act for specified reasons.

Moreover, this bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6380 of the Family Code is  
2 amended to read:  
3 6380. (a) Each county, with the approval of the  
4 Department of Justice, shall, by July 1, 1996, develop a  
5 procedure, using existing systems, for the electronic  
6 transmission of data, as described in subdivision (b), to

1 the Department of Justice. The data shall be  
2 electronically transmitted through the California Law  
3 Enforcement Telecommunications System (CLETS) of  
4 the Department of Justice by law enforcement personnel,  
5 or with the approval of the Department of Justice, court  
6 personnel or another appropriate agency capable of  
7 maintaining and preserving the integrity of both the  
8 CLETS and the Domestic Violence Protective Order  
9 Registry, as described in subdivision (e). Data entry is  
10 required to be entered only once under the requirements  
11 of this section, unless the order is served at a later time.  
12 A portion of all fees payable to the Department of Justice  
13 under subdivision (e) of Section 1203.097 of the Penal  
14 Code for the entry of the information required under this  
15 section, based upon the proportion of the costs incurred  
16 by the local agency and those incurred by the  
17 Department of Justice, shall be transferred to the local  
18 agency actually providing the data.

19 (b) Upon the issuance of a protective order to which  
20 this division applies pursuant to Section 6221, or the  
21 issuance of a temporary restraining order or injunction  
22 relating to domestic violence pursuant to Section 527.8 of  
23 the Code of Civil Procedure, or the issuance of a criminal  
24 court protective order under subdivision (g) of Section  
25 136.2 of the Penal Code, or the issuance of a juvenile court  
26 restraining order related to domestic violence pursuant  
27 to Sections 213.5, 304, or 362.4 of the Welfare and  
28 Institutions Code, or upon registration with the court  
29 clerk of a domestic violence protective order issued by  
30 the court of another state, and including any of the  
31 foregoing orders issued in connection with an order for  
32 modification of a custody or visitation order issued  
33 pursuant to a dissolution, legal separation, nullity, or  
34 paternity proceeding the Department of Justice shall be  
35 immediately notified of the contents of the order and the  
36 following information:

37 (1) The name, race, date of birth, and other personal  
38 descriptive information of the respondent as required by  
39 a form prescribed by the Department of Justice.

40 (2) The names of the protected persons.

1 (3) The date of issuance of the order.

2 (4) The duration or expiration date of the order.

3 (5) The terms and conditions of the protective order,  
4 including stay-away, no-contact, residency exclusion,  
5 custody, and visitation provisions of the order.

6 (6) The department or division number and the  
7 address of the court.

8 (7) Whether or not the order was served upon the  
9 respondent.

10 All available information shall be included; however,  
11 the inability to provide all categories of information shall  
12 not delay the entry of the information available.

13 (c) The information conveyed to the Department of  
14 Justice shall also indicate whether the respondent was  
15 present in court to be informed of the contents of the  
16 court order. The respondent's presence in court shall  
17 provide proof of service of notice of the terms of the  
18 protective order. The respondent's failure to appear shall  
19 also be included in the information provided to the  
20 Department of Justice.

21 (d) Immediately upon receipt of proof of service the  
22 clerk of the court, and immediately after service any law  
23 enforcement officer who served the protective order,  
24 shall notify the Department of Justice, by electronic  
25 transmission, of the service of the protective order,  
26 including the name of the person who served the order  
27 and, if that person is a law enforcement officer, the law  
28 enforcement agency.

29 (e) The Department of Justice shall maintain a  
30 Domestic Violence Protective Order Registry and shall  
31 make available to court clerks and law enforcement  
32 personnel, through computer access, all information  
33 regarding the protective and restraining orders and  
34 injunctions described in subdivision (b), whether or not  
35 served upon the respondent.

36 (f) If a court issues a modification, extension, or  
37 termination of a protective order, the transmitting  
38 agency for the county shall immediately notify the  
39 Department of Justice, by electronic transmission, of the  
40 terms of the modification, extension, or termination.

1 (g) The Judicial Council shall assist local courts  
2 charged with the responsibility for issuing protective  
3 orders by developing informational packets describing  
4 the general procedures for obtaining a domestic violence  
5 restraining order and indicating the appropriate Judicial  
6 Council forms, and shall include a design, which local  
7 courts shall complete, which describes local court  
8 procedures and maps to enable applicants to locate filing  
9 windows and appropriate courts. The court clerk shall  
10 provide a fee waiver form to all applicants for domestic  
11 violence protective orders. The court clerk shall provide  
12 all Judicial Council forms required by this chapter to  
13 applicants free of charge.

14 (h) For the purposes of this part, “electronic  
15 transmission” shall include computer access through the  
16 California Law Enforcement Telecommunications  
17 System (CLETS).

18 SEC. 2. Section 273.6 of the Penal Code is amended to  
19 read:

20 273.6. (a) Any intentional and knowing violation of a  
21 protective order, as defined in Section 6218 of the Family  
22 Code, or of an order issued pursuant to Section 527.6 or  
23 527.8 of the Code of Civil Procedure, or of an order issued  
24 pursuant to Section 213.5, 304, or 362.4 of the Welfare and  
25 Institutions Code is a misdemeanor punishable by a fine  
26 of not more than one thousand dollars (\$1,000), or by  
27 imprisonment in a county jail for not more than one year,  
28 or by both the fine and imprisonment.

29 (b) In the event of a violation of subdivision (a) which  
30 results in physical injury, the person shall be punished by  
31 a fine of not more than two thousand dollars (\$2,000), or  
32 by imprisonment in a county jail for not less than 30 days  
33 nor more than one year, or by both the fine and  
34 imprisonment. However, if the person is imprisoned in a  
35 county jail for at least 48 hours, the court may, in the  
36 interests of justice and for reasons stated on the record,  
37 reduce or eliminate the 30-day minimum imprisonment  
38 required by this subdivision. In determining whether to  
39 reduce or eliminate the minimum imprisonment  
40 pursuant to this subdivision, the court shall consider the



1 seriousness of the facts before the court, whether there  
2 are additional allegations of a violation of the order during  
3 the pendency of the case before the court, the probability  
4 of future violations, the safety of the victim, and whether  
5 the defendant has successfully completed or is making  
6 progress with counseling.

7 (c) Subdivisions (a) and (b) shall apply to the  
8 following court orders:

9 (1) An order enjoining any party from molesting,  
10 attacking, striking, threatening, sexually assaulting,  
11 battering, harassing, contacting repeatedly by mail with  
12 the intent to harass, or disturbing the peace of the other  
13 party, or other named family and household members.

14 (2) An order excluding one party from the family  
15 dwelling or from the dwelling of the other.

16 (3) An order enjoining a party from specified behavior  
17 which the court determined was necessary to effectuate  
18 the order under subdivision (a).

19 (d) A subsequent conviction for a violation of an order  
20 described in subdivision (a), occurring within seven  
21 years of a prior conviction for a violation of an order  
22 described in subdivision (a) and involving an act of  
23 violence or “a credible threat” of violence, as defined in  
24 subdivision (c) of Section 139, is punishable by  
25 imprisonment in a county jail not to exceed one year, or  
26 in the state prison.

27 (e) In the event of a subsequent conviction for a  
28 violation of an order described in subdivision (a) for an  
29 act occurring within one year of a prior conviction for a  
30 violation of an order described in subdivision (a) which  
31 results in physical injury to the same victim, the person  
32 shall be punished by a fine of not more than two thousand  
33 dollars (\$2,000), or by imprisonment in a county jail for  
34 not less than six months nor more than one year, by both  
35 that fine and imprisonment, or by imprisonment in the  
36 state prison. However, if the person is imprisoned in a  
37 county jail for at least 30 days, the court may, in the  
38 interests of justice and for reasons stated in the record,  
39 reduce or eliminate the six-month minimum  
40 imprisonment required by this subdivision. In

1 determining whether to reduce or eliminate the  
2 minimum imprisonment pursuant to this subdivision, the  
3 court shall consider the seriousness of the facts before the  
4 court, whether there are additional allegations of a  
5 violation of the order during the pendency of the case  
6 before the court, the probability of future violations, the  
7 safety of the victim, and whether the defendant has  
8 successfully completed or is making progress with  
9 counseling.

10 (f) The prosecuting agency of each county shall have  
11 the primary responsibility for the enforcement of orders  
12 issued pursuant to subdivisions (a), (b), (d), and (e).

13 (g) The court may order a person convicted under this  
14 section to undergo counseling, and, if appropriate, to  
15 complete a batterer's treatment program.

16 (h) If probation is granted upon conviction of a  
17 violation of subdivision (a), (b), or (c), the conditions of  
18 probation may include, in lieu of a fine, one or both of the  
19 following requirements:

20 (1) That the defendant make payments to a battered  
21 women's shelter, up to a maximum of five thousand  
22 dollars (\$5,000), pursuant to Section 1203.097.

23 (2) That the defendant reimburse the victim for  
24 reasonable costs of counseling and other reasonable  
25 expenses that the court finds are the direct result of the  
26 defendant's offense.

27 (i) For any order to pay a fine, make payments to a  
28 battered women's shelter, or pay restitution as a  
29 condition of probation under subdivision (e), the court  
30 shall make a determination of the defendant's ability to  
31 pay. In no event shall any order to make payments to a  
32 battered women's shelter be made if it would impair the  
33 ability of the defendant to pay direct restitution to the  
34 victim or court ordered child support. Where the injury  
35 to a married person is caused in whole or in part by the  
36 criminal acts of his or her spouse in violation of this  
37 section, the community property may not be used to  
38 discharge the liability of the offending spouse for  
39 restitution to the injured spouse, required by Section  
40 1203.04, or to a shelter for costs with regard to the injured

1 spouse and dependents, required by this section, until all  
2 separate property of the offending spouse is exhausted.

3 SEC. 3. Section 202 of the Welfare and Institutions  
4 Code is amended to read:

5 202. (a) The purpose of this chapter is to provide for  
6 the protection and safety of the public and each minor  
7 under the jurisdiction of the juvenile court and to  
8 preserve and strengthen the minor's family ties  
9 whenever possible, removing the minor from the custody  
10 of his or her parents only when necessary for his or her  
11 welfare or for the safety and protection of the public.  
12 When removal of a minor is determined by the juvenile  
13 court to be necessary, reunification of the minor with his  
14 or her family shall be a primary objective, with an  
15 emphasis on reunification of the nonviolent members of  
16 the family only. When the minor is removed from his or  
17 her own family, it is the purpose of this chapter to secure  
18 for the minor custody, care, and discipline as nearly as  
19 possible equivalent to that which should have been given  
20 by his or her parents. This chapter shall be liberally  
21 construed to carry out these purposes.

22 (b) Minors under the jurisdiction of the juvenile court  
23 who are in need of protective services shall receive care,  
24 treatment and guidance consistent with their best  
25 interest and the best interest of the public. Minors under  
26 the jurisdiction of the juvenile court as a consequence of  
27 delinquent conduct shall, in conformity with the interests  
28 of public safety and protection, receive care, treatment  
29 and guidance which is consistent with their best interest,  
30 which holds them accountable for their behavior, and  
31 which is appropriate for their circumstances. This  
32 guidance may include punishment that is consistent with  
33 the rehabilitative objectives of this chapter. If a minor has  
34 been removed from the custody of his or her parents,  
35 family preservation and family reunification, with an  
36 emphasis on reunification of the nonviolent members of  
37 the family only, are appropriate goals for the juvenile  
38 court to consider when determining the disposition of a  
39 minor under the jurisdiction of the juvenile court as a  
40 consequence of delinquent conduct when those goals are

1 consistent with his or her best interests and the best  
2 interests of the public.

3 (c) It is also the purpose of this chapter to reaffirm that  
4 the duty of a parent to support and maintain a minor child  
5 continues, subject to the financial ability of the parent to  
6 pay, during any period in which the minor may be  
7 declared a ward of the court and removed from the  
8 custody of the parent.

9 (d) Juvenile courts and other public agencies charged  
10 with enforcing, interpreting, and administering the  
11 juvenile court law shall consider the safety and protection  
12 of the public and the best interests of the minor in all  
13 deliberations pursuant to this chapter. Participants in the  
14 juvenile justice system shall hold themselves accountable  
15 for its results. They shall act in conformity with a  
16 comprehensive set of objectives established to improve  
17 system performance in a vigorous and ongoing manner.

18 (e) As used in this chapter, “punishment” means the  
19 imposition of sanctions which include the following:

20 (1) Payment of a fine by the minor.

21 (2) Rendering of compulsory service without  
22 compensation performed for the benefit of the  
23 community by the minor.

24 (3) Limitations on the minor’s liberty imposed as a  
25 condition of probation or parole.

26 (4) Commitment of the minor to a local detention or  
27 treatment facility, such as a juvenile hall, camp, or ranch.

28 (5) Commitment of the minor to the Department of  
29 the Youth Authority.

30 “Punishment,” for the purposes of this chapter, does  
31 not include retribution.

32 SEC. 4. Section 213.5 of the Welfare and Institutions  
33 Code is amended to read:

34 213.5. (a) After a petition has been filed pursuant to  
35 Section 300 to declare a minor child a dependent child of  
36 the juvenile court, upon application in the manner  
37 provided by Section 527 of the Code of Civil Procedure,  
38 the juvenile court may issue ex parte orders (1) enjoining  
39 any parent, guardian, or member of the minor child’s  
40 household from molesting, attacking, striking, sexually

1 assaulting, or battering the minor child or any other  
2 minor child in the household; (2) excluding any parent,  
3 guardian, or member of the minor child's household from  
4 the dwelling of the person who has care, custody, and  
5 control of the child; and (3) enjoining a parent, guardian,  
6 or member of the minor child's household from specified  
7 behavior including contacting, threatening, or disturbing  
8 the peace of the minor, which the court determines is  
9 necessary to effectuate orders under paragraph (1) or  
10 (2). In the case in which a temporary restraining order is  
11 granted without notice, the matter shall be made  
12 returnable on an order requiring cause to be shown why  
13 the order should not be granted, on the earliest day that  
14 the business of the court will permit, but not later than 15  
15 days or, if good cause appears to the court, 20 days from  
16 the date the temporary restraining order is granted. The  
17 court may, on the motion of the person seeking the  
18 restraining order, or on its own motion, shorten the time  
19 for service on the person to be restrained of the order to  
20 show cause. Any hearing pursuant to this statute may be  
21 held simultaneously with the regularly scheduled  
22 hearings held in proceedings to declare a minor a  
23 dependent child of the juvenile court pursuant to Section  
24 300.

25 (b) The juvenile court may issue, upon notice and a  
26 hearing, any of the orders set forth in subdivision (a). Any  
27 restraining order granted pursuant to this subdivision  
28 shall remain in effect, in the discretion of the court, not  
29 to exceed one year, unless otherwise terminated by the  
30 court, extended by mutual consent of all parties to the  
31 restraining order, or extended by further order of the  
32 court on the motion of any party to the restraining order.

33 (c) The juvenile court may issue an order made  
34 pursuant to subdivision (a) or (b) excluding a person  
35 from a residence or dwelling. Such an order may be issued  
36 for the period of time and on the conditions the court  
37 determines, regardless of which party holds legal or  
38 equitable title or is the lessee of the residence or dwelling.

39 (d) Any order issued pursuant to subdivision (a) or (b)  
40 shall state on its face the date of expiration of the order.

1 (e) The juvenile court shall order any designated  
2 person or attorney to mail a copy of any order, or  
3 extension, modification, or termination thereof, granted  
4 pursuant to subdivision (a) or (b), by the close of the  
5 business day on which the order, extension, modification,  
6 or termination was granted, and any subsequent proof of  
7 service thereof, to each local law enforcement agency  
8 designated by the person seeking the restraining order or  
9 his or her attorney having jurisdiction over the residence  
10 of the person who has care, custody, and control of the  
11 minor child and ~~such~~ other locations where the court  
12 determines that acts of domestic violence or abuse against  
13 the minor child or children are likely to occur. Each  
14 appropriate law enforcement agency shall make  
15 available through an existing system for verification,  
16 information as to the existence, terms, and current status  
17 of any order issued pursuant to subdivision (a) or (b) to  
18 any law enforcement officer responding to the scene of  
19 reported domestic violence or abuse.

20 (f) Any willful and knowing violation of any order  
21 granted pursuant to subdivision (a) or (b) shall be a  
22 misdemeanor punishable under Section 273.6 of the  
23 Penal Code.

24 SEC. 5. Section 218.5 is added to the Welfare and  
25 Institutions Code, to read:

26 218.5. All counsel performing duties under this  
27 chapter, including, but not limited to, county counsel,  
28 court appointed counsel, or volunteer counsel, shall  
29 participate in mandatory training on domestic violence.  
30 The training shall meet the requirements of Section  
31 16500.3.

32 SEC. 6. Section 245.5 of the Welfare and Institutions  
33 Code is amended to read:

34 245.5. In addition to all other powers granted by law,  
35 the juvenile court may direct all ~~such~~ orders to the parent,  
36 parents, or guardian of a minor who is subject to any  
37 proceedings under this chapter ~~as~~ *that* the court deems  
38 necessary and proper for the best interests of or for the  
39 rehabilitation of the minor. These orders may concern  
40 the care, supervision, custody, conduct, maintenance,

1 and support of the minor, including education and  
 2 ~~medical treatment. When a finding has been made that~~  
 3 ~~a child is in need of services because the child is or has~~  
 4 ~~been in a violent home, the juvenile court shall order the~~  
 5 *medical treatment. In cases where domestic violence is*  
 6 *also occurring, the juvenile court shall order the* battering  
 7 parent, guardian, or other person living in the child's  
 8 home to ~~participate in complete~~ a batterer's treatment  
 9 program that meets the requirements of Section ~~=====~~  
 10 *1203.097* of the Penal Code.

11 SEC. 7. Section 280 of the Welfare and Institutions  
 12 Code is amended to read:

13 280. Except where waived by the probation officer,  
 14 judge, or referee and the minor, the probation officer  
 15 shall be present in court to represent the interests of each  
 16 person who is the subject of a petition to declare that  
 17 person to be a ward or dependent child upon all hearings  
 18 or rehearings of his or her case, and shall furnish to the  
 19 court ~~such information and assistance as any information~~  
 20 *and assistance that* the court may require. If so ordered,  
 21 the probation officer shall take charge of that person  
 22 before and after any hearing or rehearing.

23 It shall be the duty of the probation officer to prepare  
 24 for every hearing on the disposition of a case as provided  
 25 by Section 356, 358, 358.1, 361.5, 364, 366, 366.2, or 366.21  
 26 as is appropriate for the specific hearing, or, for a hearing  
 27 as provided by Section 702, a social study of the minor,  
 28 ~~containing such matters as any matters that~~ may be  
 29 relevant to a proper disposition of the case. The social  
 30 study shall include a recommendation for the disposition  
 31 of the case.

32 In cases where the minor has allegedly been abused or  
 33 neglected, the social study shall include an assessment of  
 34 whether abuse of another family or household member is  
 35 also occurring. That assessment shall include, but not be  
 36 limited to, the requirements set forth in Section 16500.4.

37 SEC. 8. Section 300 of the Welfare and Institutions  
 38 Code is amended to read:

39 300. Any minor who comes within any of the  
 40 following descriptions is within the jurisdiction of the

1 juvenile court which may adjudge that person to be a  
2 dependent child of the court:

3 (a) The minor has suffered, or there is a substantial risk  
4 that the minor will suffer, serious physical harm inflicted  
5 nonaccidentally upon the minor by the minor's parent or  
6 guardian. For the purposes of this subdivision, a court  
7 may find there is a substantial risk of serious future injury  
8 based on the manner in which a less serious injury was  
9 inflicted, a history of repeated inflictions of injuries on the  
10 minor or the minor's siblings, or a combination of these  
11 and other actions by the parent or guardian which  
12 indicate the child is at risk of serious physical harm. For  
13 purposes of this subdivision, "serious physical harm" does  
14 not include reasonable and age-appropriate spanking to  
15 the buttocks where there is no evidence of serious  
16 physical injury.

17 (b) The minor has suffered, or there is a substantial  
18 risk that the minor will suffer, serious physical harm or  
19 illness, as a result of the failure or inability of his or her  
20 parent or guardian to adequately supervise or protect the  
21 minor, or the willful or negligent failure of the minor's  
22 parent or guardian to adequately supervise or protect the  
23 minor from the conduct of the custodian with whom the  
24 minor has been left, or by the willful or negligent failure  
25 of the parent or guardian to provide the minor with  
26 adequate food, clothing, shelter, or medical treatment, or  
27 by the inability of the parent or guardian to provide  
28 regular care for the minor due to the parent's or  
29 guardian's mental illness, developmental disability, or  
30 substance abuse. No minor shall be found to be a person  
31 described by this subdivision solely due to the lack of an  
32 emergency shelter for the family. ~~Whenever it is alleged~~  
33 ~~that a minor comes within the jurisdiction of the court on~~  
34 ~~the basis that a parent or guardian has failed to protect the~~  
35 ~~minor from physical harm stemming from conduct of~~  
36 ~~another household member, or pursuant to subdivisions~~  
37 ~~(d), (e), (i), or (j), and where the nonviolent parent or~~  
38 ~~guardian has been a victim of abuse by that same~~  
39 ~~household member, the court shall not remove the minor~~  
40 ~~from the custody of the nonviolent parent or guardian~~



1 ~~when that parent or guardian presents a plan to keep the~~  
2 ~~child from future harm.~~ Whenever it is alleged that a  
3 minor comes within the jurisdiction of the court on the  
4 basis of the parent's or guardian's willful failure to provide  
5 adequate medical treatment or specific decision to  
6 provide spiritual treatment through prayer, the court  
7 shall give deference to the parent's or guardian's medical  
8 treatment, nontreatment, or spiritual treatment through  
9 prayer alone in accordance with the tenets and practices  
10 of a recognized church or religious denomination, by an  
11 accredited practitioner thereof, and shall not assume  
12 jurisdiction unless necessary to protect the minor from  
13 suffering serious physical harm or illness. In making its  
14 determination, the court shall consider (1) the nature of  
15 the treatment proposed by the parent or guardian (2) the  
16 risks to the minor posed by the course of treatment or  
17 nontreatment proposed by the parent or guardian (3) the  
18 risk, if any, of the course of treatment being proposed by  
19 the petitioning agency, and (4) the likely success of the  
20 courses of treatment or nontreatment proposed by the  
21 parent or guardian and agency. The minor shall continue  
22 to be a dependent child pursuant to this subdivision only  
23 so long as is necessary to protect the minor from risk of  
24 suffering serious physical harm or illness.

25 (c) The minor is suffering serious emotional damage,  
26 or is at substantial risk of suffering serious emotional  
27 damage, evidenced by severe anxiety, depression,  
28 withdrawal, or untoward aggressive behavior toward self  
29 or others, as a result of the conduct of the parent or  
30 guardian or who has no parent or guardian capable of  
31 providing appropriate care. No minor shall be found to be  
32 a person described by this subdivision if the willful failure  
33 of the parent or guardian to provide adequate mental  
34 health treatment is based on a sincerely held religious  
35 belief and if a less intrusive judicial intervention is  
36 available.

37 (d) The minor has been sexually abused, or there is a  
38 substantial risk that the minor will be sexually abused, as  
39 defined in Section 11165.1 of the Penal Code, by his or her  
40 parent or guardian or a member of his or her household,

1 or the parent or guardian has failed to adequately protect  
2 the minor from sexual abuse when the parent or guardian  
3 knew or reasonably should have known that the minor  
4 was in danger of sexual abuse.

5 (e) The minor is under the age of five and has suffered  
6 severe physical abuse by a parent, or by any person  
7 known by the parent, if the parent knew or reasonably  
8 should have known that the person was physically  
9 abusing the minor. For the purposes of this subdivision,  
10 “severe physical abuse” means any of the following: any  
11 single act of abuse which causes physical trauma of  
12 sufficient severity that, if left untreated, would cause  
13 permanent physical disfigurement, permanent physical  
14 disability, or death; any single act of sexual abuse which  
15 causes significant bleeding, deep bruising, or significant  
16 external or internal swelling; or more than one act of  
17 physical abuse, each of which causes bleeding, deep  
18 bruising, significant external or internal swelling, bone  
19 fracture, or unconsciousness; or the willful, prolonged  
20 failure to provide adequate food. A minor may not be  
21 removed from the physical custody of his or her parent or  
22 guardian on the basis of a finding of severe physical abuse  
23 unless the probation officer has made an allegation of  
24 severe physical abuse pursuant to Section 332.

25 (f) The minor’s parent or guardian has been convicted  
26 of causing the death of another child through abuse or  
27 neglect.

28 (g) The minor has been left without any provision for  
29 support; the minor’s parent has been incarcerated or  
30 institutionalized and cannot arrange for the care of the  
31 minor; or a relative or other adult custodian with whom  
32 the child resides or has been left is unwilling or unable to  
33 provide care or support for the child, the whereabouts of  
34 the parent is unknown, and reasonable efforts to locate  
35 ~~the parent have been unsuccessful. No minor shall be~~  
36 ~~removed from the custody of a nonviolent parent or~~  
37 ~~guardian solely because the nonviolent parent or~~  
38 ~~guardian fled from, or was abused by, an abusive~~  
39 ~~household member. the parent have been unsuccessful.~~



1 (h) The minor has been freed for adoption from one  
2 or both parents for 12 months by either relinquishment  
3 or termination of parental rights or an adoption petition  
4 has not been granted.

5 (i) The minor has been subjected to an act or acts of  
6 cruelty by the parent or guardian or a member of his or  
7 her household, or the parent or guardian has failed to  
8 adequately protect the minor from an act or acts of  
9 cruelty when the parent or guardian knew or reasonably  
10 should have known that the minor was in danger of being  
11 subjected to an act or acts of cruelty.

12 (j) The minor's sibling has been abused or neglected,  
13 as defined in subdivision (a), (b), (d), (e), or (i), and  
14 there is a substantial risk that the minor will be abused or  
15 neglected, as defined in those subdivisions. The court  
16 shall consider the circumstances surrounding the abuse  
17 or neglect of the sibling, the age and gender of each child,  
18 the nature of the abuse or neglect of the sibling, the  
19 mental condition of the parent or guardian, and any other  
20 factors the court considers probative in determining  
21 whether there is a substantial risk to the minor.

22 It is the intent of the Legislature in enacting this section  
23 to provide maximum protection for children who are  
24 currently being physically, sexually, or emotionally  
25 abused, being neglected, or being exploited, and to  
26 protect children who are at risk of that harm. This  
27 protection includes provision of a full array of social and  
28 health services to help the child and family and to prevent  
29 reabuse of children. That protection shall include  
30 protection of a victim-parent from domestic violence so  
31 that the victim-parent can better safeguard the child  
32 from violent acts and exposure to violent acts, violent  
33 threats, and conflict since children who witness domestic  
34 violence suffer lasting effects and *may* continue the cycle  
35 of abuse. That protection shall focus on the preservation  
36 of the family whenever possible. Nothing in this section  
37 is intended to disrupt the family unnecessarily or to  
38 intrude inappropriately into family life, to prohibit the  
39 use of reasonable methods of parental discipline, or to  
40 prescribe a particular method of parenting. Further,

1 nothing in this section is intended to limit the offering of  
2 voluntary services to those families in need of assistance  
3 but who do not come within the descriptions of this  
4 section. To the extent that savings accrue to the state from  
5 child welfare services funding obtained as a result of the  
6 enactment of the act that enacted this section, those  
7 savings shall be used to promote services which support  
8 family maintenance and family reunification plans, such  
9 as client transportation, out-of-home respite care,  
10 parenting training, and the provision of temporary or  
11 emergency in-home caretakers and persons teaching and  
12 demonstrating homemaking skills. The Legislature  
13 further declares that a physical disability, such as  
14 blindness or deafness, is no bar to the raising of happy and  
15 well-adjusted children and that a court's determination  
16 pursuant to this section shall center upon whether a  
17 parent's disability prevents him or her from exercising  
18 care and control.

19 As used in this section "guardian" means the legal  
20 guardian of the child.

21 SEC. 9. *Section 302 of the Welfare and Institutions*  
22 *Code is amended to read:*

23 302. (a) A juvenile court may assume jurisdiction  
24 over a child described in Section 300 regardless of  
25 whether the child was in the physical custody of both  
26 parents or was in the sole legal or physical custody of only  
27 one parent at the time that the events or conditions  
28 occurred that brought the child within the jurisdiction of  
29 the court.

30 (b) Unless their parental rights have been terminated,  
31 both parents shall be notified of all proceedings involving  
32 the child. In any case where the probation officer is  
33 required to provide a parent or guardian with notice of  
34 a proceeding at which the probation officer intends to  
35 present a report, the probation officer shall also provide  
36 both parents, whether custodial or noncustodial, or any  
37 guardian, or the counsel for the parent or guardian a copy  
38 of the report prior to the hearing, either personally or by  
39 first-class mail. The probation officer shall not charge any  
40 fee for providing a copy of a report required by this

1 subdivision. *The probation officer shall keep confidential*  
2 *the address of any parent who is known to be the victim*  
3 *of domestic violence.*

4 (c) When a minor is adjudged a dependent of the  
5 juvenile court, any issues regarding custodial rights  
6 between his or her parents shall be determined solely by  
7 the juvenile court, as specified in Sections 304, 361.2, and  
8 362.4, so long as the minor remains a dependent of the  
9 juvenile court.

10 SEC. 9.5. Section 304 of the Welfare and Institutions  
11 Code is amended to read:

12 304. After a juvenile court has made a finding that a  
13 child is a person described in Section 300, no other  
14 division of any superior court may hear proceedings  
15 pursuant to Part 2 (commencing with Section 3020) of  
16 Division 8 of the Family Code regarding the custody of  
17 the minor. While the child is under the jurisdiction of the  
18 juvenile court all issues regarding his or her custody shall  
19 be heard by the juvenile court. In deciding issues  
20 between the parents or between a parent and a guardian  
21 regarding custody of a minor who has been adjudicated  
22 a dependent of the juvenile court, the juvenile court may  
23 review any records that would be available to the  
24 domestic relations division of a superior court hearing  
25 such a matter. The juvenile court, on its own motion, may  
26 issue an order directed to any parent, guardian, or  
27 member of the minor child's household enjoining any  
28 action described in Section 6218 of the Family Code. The  
29 Judicial Council shall adopt forms for these restraining  
30 orders. These form orders shall not be confidential and  
31 shall be enforceable in the same manner as any other  
32 order issued pursuant to Division 10 (commencing with  
33 Section 6200) of the Family Code.

34 This section shall not be construed to divest the  
35 domestic relations division of a superior court from  
36 hearing any issues regarding the custody of a minor when  
37 that minor is no longer a dependent of the juvenile court.

38 SEC. 10. Section 332 of the Welfare and Institutions  
39 Code is amended to read:

1 332. A petition to commence proceedings in the  
2 juvenile court to declare a minor a ward or a dependent  
3 child of the court shall be verified and shall contain all of  
4 the following:

5 (a) The name of the court to which it is addressed.

6 (b) The title of the proceeding.

7 (c) The code section and the subdivision under which  
8 the proceedings are instituted. If it is alleged that the  
9 minor is a person described by subdivision (e) of Section  
10 300, the petition shall include an allegation pursuant to  
11 that section.

12 (d) The name, age, and address, if any, of the minor  
13 upon whose behalf the petition is brought.

14 (e) The names and residence addresses, if known to  
15 the petitioner, of both parents and any guardian of the  
16 minor. If there is no parent or guardian residing within  
17 the state, or if his or her place of residence is not known  
18 to the petitioner, the petition shall also contain the name  
19 and residence address, if known, of any adult relative  
20 residing within the county, or, if there is none, the adult  
21 relative residing nearest to the location of the court. *If it*  
22 *is known to the petitioner that one of the parents is a*  
23 *victim of domestic violence and that parent is currently*  
24 *living separately from the batterer-parent, the address of*  
25 *the victim-parent shall remain confidential.*

26 (f) A concise statement of facts, separately stated, to  
27 support the conclusion that the minor upon whose behalf  
28 the petition is being brought is a person within the  
29 definition of each of the sections and subdivisions under  
30 which the proceedings are being instituted.

31 (g) The fact that the minor upon whose behalf the  
32 petition is brought is detained in custody or is not  
33 detained in custody, and if he or she is detained in  
34 custody, the date and the precise time the minor was  
35 taken into custody.

36 (h) A notice to the father, mother, spouse, or other  
37 person liable for support of the minor child, of all of the  
38 following: (1) Section 903 makes that person, the estate  
39 of that person, and the estate of the minor child, liable for  
40 the cost of the care, support, and maintenance of the

1 minor child in any county institution or any other place  
2 in which the child is placed, detained, or committed  
3 pursuant to an order of the juvenile court; (2) Section  
4 903.1 makes that person, the estate of that person, and the  
5 estate of the minor child, liable for the cost to the county  
6 of legal services rendered to the minor or the parent by  
7 a private attorney or a public defender appointed  
8 pursuant to the order of the juvenile court; (3) Section  
9 903.2 makes that person, the estate of that person, and the  
10 estate of the minor child, liable for the cost to the county  
11 of the probation supervision of the minor child by the  
12 probation officer pursuant to the order of the juvenile  
13 court; and (4) the liabilities established by these sections  
14 are joint and several.

15 *SEC. 10.5.* Section 361 of the Welfare and Institutions  
16 Code is amended to read:

17 361. (a) In all cases in which a minor is adjudged a  
18 dependent child of the court on the ground that the  
19 minor is a person described by Section 300, the court may  
20 limit the control to be exercised over the dependent child  
21 by any parent or guardian and shall by its order clearly  
22 and specifically set forth all ~~such~~ *those* limitations. Any  
23 limitation on the right of the parent or guardian to make  
24 educational decisions for the child shall be specifically  
25 addressed in the court order. The limitations shall not  
26 exceed those necessary to protect the child.

27 (b) No dependent child shall be taken from the  
28 physical custody of his or her parents or guardian or  
29 guardians with whom the child resides at the time the  
30 petition was initiated unless the juvenile court finds clear  
31 and convincing evidence of any of the following:

32 (1) There is a substantial danger to the physical health  
33 of the minor or would be if the minor was returned home,  
34 and there are no reasonable means by which the minor's  
35 physical health can be protected without removing the  
36 minor from the minor's parents' or guardians' physical  
37 custody. The fact that a minor has been adjudicated a  
38 dependent child of the court pursuant to subdivision (e)  
39 of Section 300 shall constitute prima facie evidence that  
40 the minor cannot be safely left in the custody of the

1 parent or guardian with whom the minor resided at the  
2 ~~time of injury. However, no minor shall be removed from~~  
3 ~~the custody of a nonviolent parent or guardian solely~~  
4 ~~because the nonviolent parent or guardian failed to~~  
5 ~~protect the minor from an abuser when the nonviolent~~  
6 ~~parent or guardian was also a victim of the same abuser.~~  
7 *time of injury. The court shall consider, as a reasonable*  
8 *means to protect the minor, the option of removing a*  
9 *perpetrator of domestic violence from the home. The*  
10 *court shall also consider, as a reasonable means to protect*  
11 *the minor, any plan presented by a victim of domestic*  
12 *violence in which the victim-parent demonstrates that in*  
13 *the future he or she will not be in contact with a batterer*  
14 *and that he or she will be able to protect the child from*  
15 *future harm. No minor shall be removed from the custody*  
16 *of a parent or guardian solely because the parent or*  
17 *guardian fled from, or was abused by, an abusive*  
18 *household member, if that parent presents a plan that*  
19 *fulfills the requirements set forth above.*

20 (2) The parent or guardian of the minor is unwilling to  
21 have physical custody of the minor, and the parent or  
22 guardian has been notified that if the minor remains out  
23 of their physical custody for the period specified in  
24 Section 366.25 or 366.26, the minor may be declared  
25 permanently free from their custody and control.

26 (3) The minor is suffering severe emotional damage,  
27 as indicated by extreme anxiety, depression, withdrawal,  
28 or untoward aggressive behavior toward self or others,  
29 and there are no reasonable means by which the minor's  
30 emotional health may be protected without removing the  
31 minor from the physical custody of his or her parent or  
32 guardian.

33 (4) The minor or a sibling of the minor has been  
34 sexually abused, or is deemed to be at substantial risk of  
35 being sexually abused, by a parent, guardian, or member  
36 of his or her household, or other person known to his or  
37 her parent, and there are no reasonable means by which  
38 the minor can be protected from further sexual abuse or  
39 a substantial risk of sexual abuse without removing the



1 minor from his or her parent or guardian, or the minor  
2 does not wish to return to his or her parent or guardian.

3 (5) The minor has been left without any provision for  
4 his or her support, or a parent who has been incarcerated  
5 or institutionalized cannot arrange for the care of the  
6 minor, or a relative or other adult custodian with whom  
7 the child has been left by the parent is unwilling or unable  
8 to provide care or support for the child and the  
9 whereabouts of the parent is unknown and reasonable  
10 efforts to locate him or her have been unsuccessful.

11 (c) The court shall make a determination as to  
12 whether reasonable efforts were made to prevent or to  
13 eliminate the need for removal of the minor from his or  
14 her home or, if the minor is removed for one of the  
15 reasons stated in paragraph (5) of subdivision (b),  
16 whether it was reasonable under the circumstances not  
17 to make any ~~such~~ *of those* efforts. The court shall state the  
18 facts on which the decision to remove the minor is based.

19 (d) The court shall make all of the findings required by  
20 subdivision (a) of Section 366 in either of the following  
21 circumstances:

22 (1) The minor has been taken from the custody of his  
23 or her parents or guardians and has been living in an  
24 out-of-home placement pursuant to Section 319.

25 (2) The minor has been living in a voluntary  
26 out-of-home placement pursuant to Section 16507.4.

27 SEC. 11. Section 362 of the Welfare and Institutions  
28 Code is amended to read:

29 362. (a) When a minor is adjudged a dependent child  
30 of the court on the ground that the minor is a person  
31 described by Section 300, the court may make any and all  
32 reasonable orders for the care, supervision, custody,  
33 conduct, maintenance, and support of the minor,  
34 including medical treatment, subject to further order of  
35 the court. To facilitate coordination and cooperation  
36 among government agencies, the court may, after giving  
37 notice and an opportunity to be heard, join in the juvenile  
38 court proceedings any agency that the court determines  
39 has failed to meet a legal obligation to provide services to  
40 the minor. In any proceeding in which an agency is

1 joined, the court shall not impose duties upon the agency  
2 beyond those mandated by law. Nothing in this section  
3 shall prohibit agencies which have received notice of the  
4 hearing on joinder from meeting prior to the hearing to  
5 coordinate services for the minor.

6 The court has no authority to order services unless it has  
7 been determined through the administrative process of  
8 an agency that has been joined as a party, that the minor  
9 is eligible for those services. With respect to mental  
10 health assessment, treatment, and case management  
11 services pursuant to Chapter 26.5 (commencing with  
12 Section 7570) of Division 7 of Title 1 of the Government  
13 Code, the court's determination shall be limited to  
14 whether the agency has complied with that chapter.

15 (b) When a minor is adjudged a dependent child of the  
16 court, on the ground that the minor is a person described  
17 by Section 300 and the court orders that a parent or  
18 guardian shall retain custody of the minor subject to the  
19 supervision of the probation officer, the parents or  
20 guardians shall be required to participate in child welfare  
21 services or services provided by an appropriate agency  
22 designated by the court.

23 (c) The juvenile court may direct any and all  
24 reasonable orders to the parents or guardians of the minor  
25 who is the subject of any proceedings under this chapter  
26 as the court deems necessary and proper to carry out the  
27 provisions of this section, including orders to appear  
28 before a county financial evaluation officer, or in cases of  
29 domestic ~~or family~~ violence, orders to require the  
30 perpetrator to successfully complete a batterer's  
31 treatment program as described in Section         
32 1203.097 of the Penal Code. Such an order may include a  
33 direction to participate in a counseling or education  
34 program, including, but not limited to, a parent education  
35 and parenting program operated by a community  
36 college, school district, or other appropriate agency  
37 designated by the court. A foster parent or relative with  
38 whom the minor is placed may be directed to participate  
39 in such a program in cases in which the court deems  
40 participation is appropriate and in the child's best

1 interest. The program in which a parent or guardian is  
2 required to participate shall be designed to eliminate  
3 those conditions that led to the court's finding that the  
4 minor is a person described by Section 300.

5 SEC. 12. Section 362.1 of the Welfare and Institutions  
6 Code is amended to read:

7 362.1. In order to maintain ties between the parent or  
8 guardian and any siblings and the minor, and to provide  
9 information relevant to deciding if, and when, to return  
10 a minor to the custody of his or her parent or guardian,  
11 or to encourage or suspend sibling interaction, any order  
12 placing a minor in foster care, and ordering reunification  
13 services, shall provide as follows:

14 (a) For visitation between the parent or guardian and  
15 the minor. Visitation shall be as frequent as possible,  
16 consistent with the well-being of the minor. No visitation  
17 order shall jeopardize the safety of the minor child or of  
18 either parent. To protect the safety of the minor or parent  
19 when one parent has abused the other parent, the court  
20 shall follow the procedures set forth in Section 6225 and  
21 subdivision (b) and (c) of Section 6323 of the Family  
22 Code to protect confidential addresses and to provide  
23 third-party supervision.

24 (b) For visitation between the minor and any siblings,  
25 or for the suspension of interaction between the minor  
26 and any siblings, pursuant to subdivision (b) of Section  
27 16002, if the court notes in the order the reasons for its  
28 determination that sibling interaction is detrimental to  
29 the minor.

30 SEC. 13. Section 362.4 of the Welfare and Institutions  
31 Code is amended to read:

32 362.4. When the juvenile court terminates its  
33 jurisdiction over a minor who has been adjudged a  
34 dependent child of the juvenile court prior to the minor's  
35 attainment of the age of 18 years, and proceedings for  
36 dissolution of marriage, for nullity of marriage, or for legal  
37 separation, of the minor's parents, or proceedings to  
38 establish the paternity of the minor child brought under  
39 the Uniform Parentage Act, Part 3 (commencing with  
40 Section 7600) of Division 12 of the Family Code, are

1 pending in the superior court of any county, or an order  
2 has been entered with regard to the custody of that  
3 minor, the juvenile court on its own motion, may issue a  
4 protective order, as defined in Section 6218, directed to  
5 any parent, guardian, or member of the minor child's  
6 household, and an order determining the custody of, or  
7 visitation with, the child.

8 *Whenever the court orders visitation as part of a*  
9 *protective order, the visitation order shall specify the*  
10 *time, day, place, and manner of transfer of the child so as*  
11 *to limit the child's exposure to potential domestic conflict*  
12 *or violence and to ensure the safety of all family members.*

13 *If the court finds a party is staying in a place designated*  
14 *as a shelter for victims of domestic violence or other*  
15 *confidential location, the court's order for time, day,*  
16 *place, and manner of transfer of the child for visitation*  
17 *shall be designed to prevent disclosure of the location of*  
18 *the shelter or other confidential location.*

19 Any order issued pursuant to this section shall continue  
20 until modified or terminated by a subsequent order of the  
21 superior court. The order of the juvenile court shall be  
22 filed in the proceeding for nullity, dissolution, or legal  
23 separation, or in the proceeding to establish paternity, at  
24 the time the juvenile court terminates its jurisdiction over  
25 the minor, and shall become a part thereof.

26 If no action is filed or pending relating to the custody  
27 of the minor in the superior court of any county, the  
28 juvenile court order may be used as the sole basis for  
29 opening a file in the superior court of the county in which  
30 the parent, who has been given custody, resides. The  
31 court may direct the parent or the clerk of the juvenile  
32 court to transmit the order to the clerk of the superior  
33 court of the county in which the order is to be filed. The  
34 clerk of the superior court shall, immediately upon  
35 receipt, open a file, without a filing fee, and assign a case  
36 number.

37 The clerk of the superior court shall, upon the filing of  
38 any juvenile court custody order, send by first-class mail  
39 a copy of the order with the case number to the juvenile  
40 court and to the parents at the address listed on the order.

1 The Judicial Council shall adopt forms for any custody  
2 or restraining order issued under this section. These form  
3 orders shall not be confidential.

4 SEC. 14. Section 16500.3 is added to the Welfare and  
5 Institutions Code, to read:

6 16500.3. (a) Not later than July 1, 1997, the  
7 department shall develop a 20-hour training program on  
8 domestic violence for all workers who screen referrals for  
9 child abuse or neglect, and for all social workers assigned  
10 to provide child welfare services, family reunification  
11 services, or other services to a dependent child of the  
12 juvenile court. New workers shall receive this training  
13 within the first month of their employment. Current  
14 workers shall receive this training within six months of  
15 the development of the training program by the  
16 department.

17 (b) The training program shall be developed in  
18 consultation with domestic violence victims' advocates,  
19 and other public and private agencies that provide  
20 programs for victims of domestic violence or programs of  
21 intervention for perpetrators.

22 (c) The training program shall include, but is not  
23 limited to, all of the following topics:

24 (1) The nature, extent, and causes of domestic  
25 violence.

26 (2) Practices designed to promote safety of the victim  
27 and other family and household members, including  
28 safety plans, and the procedures for obtaining restraining  
29 orders through the local court.

30 (3) Resources available for victims and perpetrators of  
31 domestic violence.

32 (4) Sensitivity to cultural, racial, gender, and sexual  
33 issues.

34 (5) The lethality of domestic violence.

35 (6) Effects of domestic violence on children.

36 (7) The propensity of domestic violence batterers to  
37 turn abuse towards the child of the household.

38 SEC. 15. Section 16500.4 is added to the Welfare and  
39 Institutions Code, to read:

1 16500.4. (a) The department shall develop written  
2 procedures for screening each referral relating to the  
3 abuse or neglect of a child to assess whether abuse of  
4 another family or household member is also occurring.  
5 The assessment shall include, but not be limited to:

6 (1) Inquiry concerning the criminal record of the  
7 parents, and of the alleged abusive or neglectful person  
8 or the alleged perpetrator of domestic or family violence  
9 if that person is not a parent of the child. For purposes of  
10 this paragraph “criminal record” shall include probation  
11 and parole reports.

12 (2) Inquiry concerning the existence of orders for  
13 protection issued to either parent, domestic violence  
14 incident reports, emergency protective orders,  
15 temporary restraining orders, and all orders listed in the  
16 Domestic Violence Protective Order Registry.

17 (3) Separate assessment interviews with each parent,  
18 if assessment interviews are conducted.

19 (b) If it is determined in an investigation of abuse or  
20 neglect that the child or another family or household  
21 member is in danger of domestic ~~or family~~ violence, and  
22 that removal of one of the parties is necessary to prevent  
23 the abuse or neglect of the child, the administrator shall  
24 seek the removal of the alleged perpetrator of domestic  
25 ~~or family~~ violence whenever possible.

26 (c) If it is determined in an investigation of abuse or  
27 neglect of a child that a parent of the child is a victim of  
28 domestic ~~or family~~ violence, appropriate domestic  
29 violence services shall be offered to the victimized  
30 parent, and the provision of those services shall not be  
31 contingent upon a finding that either parent is at fault or  
32 has failed to protect the child.

33 SEC. 16. No reimbursement is required by this act  
34 pursuant to Section 6 of Article XIII B of the California  
35 Constitution as a result of costs that may be incurred by  
36 a local agency or school district because this act creates a  
37 new crime or infraction, changes the penalty for a crime  
38 or infraction, or eliminates a crime or infraction.

39 Moreover, notwithstanding Section 17610 of the  
40 Government Code, if the Commission on State Mandates

1 determines that this act contains other costs mandated by  
2 the state, reimbursement to local agencies and school  
3 districts for those costs shall be made pursuant to Part 7  
4 (commencing with Section 17500) of Division 4 of Title  
5 2 of the Government Code. If the statewide cost of the  
6 claim for reimbursement does not exceed one million  
7 dollars (\$1,000,000), reimbursement shall be made from  
8 the State Mandates Claims Fund.

9 Also, notwithstanding Section 17580 of the  
10 Government Code, unless otherwise specified in this act,  
11 the provisions of this act shall become operative on the  
12 same date that the act takes effect pursuant to the  
13 California Constitution.

